

Senate Bill 252

By: Senator Smith of the 52nd

A BILL TO BE ENTITLED
AN ACT

To amend Subpart 1 of Part 4 of Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to general provisions relative to manufactured or mobile homes, so as to change certain provisions relating to requirements for Certificate of Permanent Location; to change certain provisions relating to recording documents in connection with a Certificate of Permanent Location; to provide alternative methods for obtaining a Certificate of Permanent Location; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Subpart 1 of Part 4 of Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to general provisions relative to manufactured or mobile homes, is amended by striking Subpart 1 and inserting in lieu thereof the following:

"Subpart 1

8-2-180.

As used in this part, the term:

(1) 'Clerk of superior court' means the clerk of the superior court of the county in which the property to which the home is or is to be affixed is located.

(2) 'Commissioner of motor vehicle safety' includes any county tax commissioner when so authorized by the commissioner of motor vehicle safety to act on his or her behalf in carrying out the responsibilities of this part.

(3) 'Home' means a manufactured home ~~or mobile home~~.

(4) 'Manufactured home' has the meaning specified in paragraph (4) of Code Section 8-2-160.

~~(5) 'Mobile home' has the meaning specified in paragraph (6) of Code Section 8-2-160.~~

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8-2-181.

(a) ~~Except as provided in subsection (a.1),~~ a manufactured home ~~or mobile home~~ shall constitute personal property and shall be subject to the 'Motor Vehicle Certificate of Title Act,' Chapter 3 of Title 40, until such time as the home is converted to real property as provided for in this part.

(a.1)(1) For any manufactured home that is permanently affixed to real property and for which the owner's original certificate of title has been lost, stolen, or otherwise mislaid, or where the owner does not have the manufacturer's certificate of origin, the owner may execute an affidavit as the holder of record of such title and shall so swear in such affidavit, which affidavit shall be recorded in the same manner as other instruments affecting the real property described in the Certificate of Permanent Location and shall charge and collect the fees usually charged for recording deeds and other instruments relating to real estate. Such affidavit shall be indexed under the name of the current owner of the real property in both the grantor and grantee indexes. The clerk shall provide the owner with a certified copy of the affidavit, reflecting its filing, and shall charge and collect the fees usually charged for the provision of certified copies of documents relating to real estate, as other instruments in the execution docket and shall be in the following form:

County, Georgia

Affidavit of Title for Manufactured Home

The original certificate of title for the manufactured home having been lost or destroyed and the undersigned being the present owner of such home the clerk of such superior court is authorized and directed to make an entry of this affidavit in lieu of a certificate of title.

In witness whereof, the undersigned has set his or her hand and seal, this _____ day of

_____.

(SEAL)

Signature

Signed, sealed, and
delivered on the
date above shown

Notary Public

(SEAL)

My commission expires:

Such affidavit may be used in lieu of a certificate of title in converting the home to real property as provided for in this part.

(2) Any person who files an affidavit in accordance with paragraph (1) of this subsection which affidavit is fraudulent shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than three years or by a fine of not less than \$1,000.00 nor more than \$5,000.00, or both.

(b) A manufactured home ~~or mobile home~~ shall become real property if:

(1) The home is or is to be permanently affixed on real property and one or more persons with an ownership interest in the home also has an ownership interest in such real property; and

(2) The owner of the home and the holders of all security interests therein execute and file a Certificate of Permanent Location:

(A) In the real estate records of the county where the real property is located; and

(B) With the commissioner of motor vehicle safety, provided the owner of the home has been issued a certificate of title.

(c) The Certificate of Permanent Location shall be in a form prescribed by the commissioner of motor vehicle safety and shall include:

(1) The name and address of the owner of the home;

(2) The names and addresses of the holders of any security interest in and of any lien upon the home;

(3) The title number assigned to the home;

(4) A description of the real estate on which the home is or is to be located, including the name of the owner and a reference by deed book and page number to the chain of title of such real property; and

(5) Any other data the commissioner of motor vehicle safety prescribes.

1 8-2-182.

2 (a) When a Certificate of Permanent Location is properly filed with the clerk of superior
3 court, the clerk shall record such certificate in the same manner as other instruments
4 affecting the real property described in the certificate and shall charge and collect the fees
5 usually charged for recording deeds and other instruments relating to real estate. Such
6 certificate shall be indexed under the name of the current owner of the real property in both
7 the grantor and grantee indexes. The clerk shall provide the owner with a certified copy of
8 the ~~certificate~~ Certificate of Permanent Location, reflecting its filing, and shall charge and
9 collect the fees usually charged for the provision of certified copies of documents relating
10 to real estate.

11 (b) Upon receipt of a certified copy of a properly executed Certificate of Permanent
12 Location, along with the certificate of title, if applicable, the commissioner of motor
13 vehicle safety shall file and retain a copy of such ~~certificate~~ Certificate of Permanent
14 Location together with all other prior title records related to the home. When a properly
15 executed ~~certificate~~ Certificate of Permanent Location has once been filed, the
16 commissioner of motor vehicle safety shall accept no further title filings with respect to that
17 home, except as may be necessary to correct any errors in the department's records and
18 except as provided in Subparts 2 and 3 of this part.

19 (c) When a Certificate of Permanent Location is so filed, the commissioner of motor
20 vehicle safety shall issue to the clerk of the superior court with whom the original
21 Certificate of Permanent Location was filed confirmation by the commissioner of motor
22 vehicle safety that the ~~certificate~~ Certificate of Permanent Location has been so filed and
23 the certificate of title has been surrendered.

24 (d) Upon receipt of confirmation of the filing of the Certificate of Permanent Location
25 from the commissioner of motor vehicle safety or upon receipt of the affidavit as provided
26 in subsection (a.1) of Code Section 8-2-181, the clerk of superior court shall provide a copy
27 of the Certificate of Permanent Location to the appropriate board of tax assessors or such
28 other local official as is responsible for the valuation of real property.

29 8-2-183.

30 (a) When a Certificate of Permanent Location has been properly filed with the clerk of
31 superior court, a certified copy thereof properly filed with the commissioner of motor
32 vehicle safety if applicable, and the certificate of title, if any, is surrendered, the home shall
33 become for all legal purposes a part of the real property on which it is located. Without
34 limiting the generality of the foregoing, the home shall be subject to transfer by the owner
35 of the real property, subject to any security interest in the real property and subject to

1 foreclosure of any such interest, in the same manner as and together with the underlying
2 real property.

3 (b) When a home has become a part of the real property as provided in this part, it shall
4 be unlawful for any person to remove such home from the real property except with the
5 written consent of the owner of the real property and the holders of all security interests in
6 the real property and in strict compliance with the requirements of Subpart 2 of this part.
7 Any person who violates this subsection shall be guilty of a misdemeanor of a high and
8 aggravated nature."

9 **SECTION 2.**

10 All laws and parts of laws in conflict with this Act are repealed.